



Application No.: 09/316,546
Attorney Docket No.: 99-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walker et al.

Application No.: 09/316,546

Filed: May 21, 1999

For: METHOD AND APPARATUS FOR
PROCESSING CREDIT CARD
TRANSACTIONS

Group Art Unit: 3624

)
) Examiner: KARMIS, Stefanos
) (703) 305-8130 /voice
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)

) **PROVISIONAL PETITION**
) **PURSUANT TO 37 C.F.R. § 1.78(a)(3)**
) **Mailed November 13, 2002 (Paper No. 11)**

) Attorney Docket No.: 99-012
) **(Please note new docket number)*
)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to: Office of Petitions, Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: April 29, 2003 By: *V. S. Leliever*

Veronika S. Leliever

Att: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Consideration of the following provisionally-submitted petition is respectfully requested.

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05/02/2003 HOUTERAI 00000001 00027 05016546
01 FC:1460 130.00 CR
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Applicants believe that the time periods defined in 37 C.F.R. § 1.78(a)(2)(ii) for submitting a reference to a prior-filed application do not apply for the present (later-filed) application, as the present application was filed under 35 U.S.C. 111(a) before November 29, 2000. 37 C.F.R. § 1.78(a)(2)(ii)(B). Accordingly, at this time Applicants respectfully submit that this provisional Petition pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 is not necessary.

However, if a Petition pursuant to 37 C.F.R. § 1.78(a)(3) is deemed necessary, Applicants respectfully request grant of this Petition.

Provisional Petition Pursuant to 37 C.F.R. § 1.78(a)(3) to Accept an Unintentionally Delayed Claim under 35 U.S.C. § 120

If deemed necessary, Applicants petition to have accepted an unintentionally delayed amendment for a claim under 35 U.S.C. § 120 for the benefit of a prior-filed, co-pending nonprovisional application, U.S. Patent Application Serial No. 08/920,116, filed August 26, 1997. This prior-filed application names as an inventor at least one inventor named in the present (later-filed nonprovisional) application and discloses the named inventor's invention claimed in at least one claim of the present (later-filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112. In addition, the prior-filed application is:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
- (ii) Complete as set forth in 37 C.F.R. Sec. 1.51(b); or
- (iii) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) or Sec. 1.53(d) and includes the basic filing fee set forth in 37 C.F.R. Sec. 1.16; or
- (iv) Entitled to a filing date as set forth in 37 C.F.R. Sec. 1.53(b) and has paid therein the processing and retention fee set forth in 37 C.F.R. Sec. 1.21(l) within the time period set forth in 37 C.F.R. Sec. 1.53(f).

Accordingly, Applicants petition to have accepted an amendment to the present specification to contain, in the first sentence following the title, a reference to such prior-filed application. This amendment to contain a reference to a prior application is presented in the **AMENDMENT AND RESPONSE** mailed April 29, 2003, and this reference identifies each prior-filed application by application number (consisting of series code and serial number) or international application number and international filing date and indicates the relationship of the applications. This reference is submitted during the pendency of the present application. The reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. The entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date the claim was filed was unintentional.


Conclusion

If deemed necessary, please charge the petition fee of \$130.00 for this provisional Petition to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Petition timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this Petition or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

April 29, 2003
Date


Michael Downs
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1 Date of Request: 12/11/03 2 Serial/Patent # 09/316,546

3 Please refund the following fee(s):

4 PAPER
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5 DATE
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6 AMOUNT

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8 TO BE REFUNDED BY:

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78 petition dismissed as moot

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Cliff Congo

TITLE: Petitions Attorney

SIGNATURE: Cliff Congo

PHONE: 305-0272

OFFICE: Petitions

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APPROVED: Cliff Congo

DATE: 9/7/04

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